

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, December 2, 2019**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:10 p.m.

Council Members Present: Will Dujardin, Candice Bradley, Laura Mitchell, Mallika Magner, and Mona Merrill

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Deputy Town Clerk Betty Warren

Finance Director Rob Zillioux, Parks and Recreation Director Janna Hansen, and Community Development Director Michael Yerman (for part of the meeting)

Schmidt reported on the preceding work session. Two items were discussed to include the Dispatch Services and the Plan for Community Compass. The discussion on Community Compass would be continued to Other Business for further discussion.

**SWEARING IN OF MALLIKA MAGNER**

Warren administered the oath of office to Magner. Magner signed the oath of office.

**APPROVAL OF AGENDA**

Dujardin moved and Mitchell seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

- 1) November 18, 2019 Regular Town Council Meeting Minutes.**
- 2) Quarter 3 Financial Summary.**
- 3) Fat Bike Worlds Special Event Application and Special Event Liquor Permit for Usage of the Gravel Pit Starting January 23<sup>rd</sup>, 2020 through January 26<sup>th</sup>, 2020 and Closing Elk Avenue Between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street on January 24<sup>th</sup>, 2020.**
- 4) Appointments to Boards and Committees.**
- 5) Approval of Fall 2019 Community Grants.**

Mitchell moved and Dujardin seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **PUBLIC COMMENT**

None

## **STAFF UPDATES**

- MacDonald approached the Council to schedule a half day facilitated retreat in January or February. Dujardin supported the facilitated retreat. Mitchell suggested a date in January would be best to allow more immediate cohesion within the group. There was discussion related to the number of issues for the Council to consider and work to complete.
- Schmidt asked if the elevator at Old Town Hall had been completed. MacDonald reported that they were working on the elevator today.
- There was a Special Meeting scheduled for Monday, December 9, 2019.
- The International Mountain Day Dinner was scheduled for Wednesday, December 11, 2019. It would be held in Mt. Crested Butte at Mountaineer Square. Attendees could skin up at 4:00 p.m., and the dinner would be from 5:00-7:00 p.m.
- Tuesday, January 14, 2020 was scheduled to meet as Planning Commission for the annexation review.
- The CIRSA two hour work session before the next Council meeting would cover issues on liability and roles and responsibilities related to serving on Town Council.
- Hansen, Director of Parks and Recreation, reported that the goal was to have the rink open by Monday, December 16, 2019.
- Dujardin reminded all that the public presentation of the Climate Action Plan would be on Wednesday, December 4, 2019, in the old Center for the Arts theatre, at 6:00 p.m.

## **PUBLIC HEARING**

### **1) Ordinance No. 39, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 606 Sixth Street to The Center for the Arts.**

Schmidt read the title of the ordinance. He confirmed proper public notice had been given, and he opened the public hearing. No one from the public chose to comment. The public hearing was closed.

The Council had requested three changes to the lease reflected with highlighting on the staff report. Schmidt pointed out the final section related to the Center's agreement to conserve energy, use renewable energy sources, and minimize the use of natural gas and electricity. There was a discussion regarding lights in the atrium being left on 24 hours a day. MacDonald had not received comments from the Center. The two story atrium lighting was currently left on for safety and security purposes.

Magner wanted the lease to include language that would limit the hours lighting would be allowed. Sullivan indicated the verbiage in Section 10 addressed these issues. Magner asked if the language was sufficient to cover the 24 hour lighting issues in the atrium and requested stronger language. Sullivan explained that stronger language would require Council to specify hours. He reminded Council that this was a temporary behavior until the Center received its TCO.

Schmidt asked how Council would put together the hours of operation, determination of maximum lumens allowed, and a decision regarding the latest hour for illumination. MacDonald said that lighting specialists would be coming to evaluate and counsel. Mitchell suggested moving the issue to the December 16, 2019 meeting for further discussion.

Mitchell moved and Merrill seconded a motion to continue the public hearing for Ordinance No. 39, Series 2019 to the December 16, 2019 Town Council meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Ordinance No. 40, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Chapter 4 of the Crested Butte Municipal Code to Include New Provisions Establishing a Tax On Cigarettes, Tobacco and Other Nicotine Products.**

Schmidt read the title of the ordinance. He confirmed proper public notice had been given, and he opened the public hearing. No one from the public chose to comment. The public hearing was closed.

Zillioux confirmed that there were no changes. He reported that businesses were preparing their point of sale systems to be ready January 1, 2020, and the Town was preparing the tax collection system. Zillioux confirmed the 66% vote percentage on this issue. He spoke about some other municipalities voting this forward at similar rates in November to include Vail and Glenwood. Some entities were considering age concurrently with the tax. Crested Butte would keep discussions separate for now.

There was a significant push nationally to get rid of vaping products. The consensus was to wait to see what recommendations came out of the working group, mental health providers, and the school related to consideration of age limits.

Dujardin moved and Bradley seconded a motion to approve Ordinance No. 40, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**NEW BUSINESS**

**1) Ordinance No. 41, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a One-Bedroom Apartment Located at 715 Elk Ave to Stephanie White.**

Schmidt read the title of the ordinance.

This was the first reading to lease the one-bedroom apartment at The Depot/715 Elk Avenue to Stephanie White. Zillioux indicated that White was amenable to the agreement to include:

- Rent would increase to \$600 per month.
- No caretaking responsibilities would be required.
- Rental term would be for 3 years.
- Either party to the agreement would be able to terminate the lease in writing with a 60 day notice.

Ninety days prior to the end of the lease, the property would go out to the employee lottery, and if no one wanted to lease, it would open to not-for-profit organizations. If there was no interest from those groups, the lease would renew for another 3 years.

Mitchell moved and Bradley seconded a motion to set Ordinance No. 41, Series 2019 for public hearing at the December 16<sup>th</sup> meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Ordinance No. 42, Series 2019 - An Ordinance of the Crested Butte Town Council Approving a Loan from the Colorado Water Resources and Power Development Authority; and Authorizing the Execution of a Loan Agreement and a Governmental Agency Bond to Evidence Such Loan.**

Schmidt read the title of the ordinance.

Zillioux stated that the \$400,000 loan was a DOLA grant, and the loan of record here was for \$2,025,000. It was a 20 year loan at 2.5%. The loan would be executed in 2020.

Mitchell moved and Dujardin seconded a motion to set Ordinance No. 42, Series 2019 for public hearing at the December 16<sup>th</sup> meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) Empty House Tax Discussion.**

The Council discussed ramifications regarding implementation of a tax on residences that were not occupied by permanent residents. The revenue received would benefit affordable housing and climate change projects. Council members agreed that there should be outreach to a variety of groups in the community for their feedback. The issue would have to progress to the voters, possibly next November.

Oakland and Vancouver had implemented this type of tax. The thought was that a flat excise tax would be the most appropriate avenue to send to voters in Colorado.

Further discussion suggested that housing prices in Crested Butte were increasing, but income levels were stagnant. The prospect for local workers to purchase a home was disappearing.

There was a brief discussion about STRs. Steve Ryan, from Iron Horse Property Management, suggested that the STR tax did impact the interest related to renting in Town. He spoke about the issue that more people were renting at the mountain for less money.

Schmidt expressed concern about creating ill will with second homeowners who had contributed to the Town. There would probably not be a change in behavior or a rush to get permanent residents in homes, but the tax would raise money.

Magner spoke about continuing the conversation. Mitchell thought it was worth continuing the conversation and allowing voters to determine the outcome. There was the suggestion that more data and information should be gathered. The thought was to get groups from all sides of the issue together for feedback, that might include possible public work sessions, organized subcommittees, seeking input from property managers, homeowners, and HOAs.

The Empty House Tax Discussion was continued to the January 6, 2020 Town Council meeting.

## **LEGAL MATTERS**

Sullivan spoke about the boater access easement. He had sent a draft to MacDonald and Yerman and did receive a draft back. He indicated that it still needed more work, so it had not been sent to the Cypress attorneys at this time.

MacDonald suggested that they were trying to get Staff to put rules on the behavior of people who were floating through. The Town could not control that, and people floating through may not be using the access at the boat ramp. Specific rules might be beyond the Town's capacity to control.

MacDonald would not advise the Town to get involved with regulation of floater behavior. The Town had done advisory notices in other cases. They made recommendations based on floater etiquette, etc., but they did not issue hard and fast rules for that 200 yard stretch of water.

Sullivan said this was very impractical. Town did not want to sign a document to regulate behavior for people who may not have left via the boat launch and then be in breach of the agreement.

Yerman and Nevins were working on preliminary plans to get in the mail for review agencies. MacDonald said that was the reason they were looking at the January 14, 2020 date and proceeding with the boater easement plan.

## COUNCIL REPORTS AND COMMITTEE UPDATES

Mallika Magner

- None

Laura Mitchell

- Attended the Mountain Express meeting. The meeting was regarding the late night taxi. She had suggested that Mt. Crested Butte throw in some more money and have Mountain Express pay for the late night taxi. The Mountain Express Board requested more information and accountability.
- Chris Larsen would resign effective August of 2020.
- They were still working on the new building.
- There would be consideration of a sewer dump for busses.
- Attended Valley Housing Foundation meeting for Mallika. The Redden Parcel was discussed.
- Conversation had started related to working on building an adult home for special needs individuals, as there were just nursing facilities currently. The Valley Housing Foundation should be involved with and supportive of that initiative.

Mona Merrill

- Would attend her first Gunnison County Sustainable Tourism and Outdoor Recreation Committee meeting next Thursday.
- Had not received any responses from The Center for the Arts, but she would contact them.

Candice Bradley

- None

Will Dujardin

- Attended the Climate Subcommittee meeting in November with MacDonald and Yemma in Park City.
- They were moving along with the County Climate Conference.
- There would be a speaker on Monday, January 13, 2020, at The Center for the Arts who would address the state of the issue.
- Friday, January 17, 2020 would be the second part of this discussion at Western Colorado University. He encouraged all to attend. The event would include speakers in the morning, panel discussions, and break-out groups to discuss local scenarios
- Attended Growing Water Smart and discussed the need to present on water related to climate change. Sonja Chavez, the new District Manager for the Upper Gunnison River Water Conservancy, would present on effects the Gunnison Valley was already seeing.
- Attended the Upper Gunnison River Water Conservancy meeting which was primarily about the budget. The manager's report also talked about being in

extreme drought again. Many of the reservoirs that were full were now back to 60-70%. There was a push to get water projects happening.

- Went to the CFTA thank you party for Town and contractors. It was a nice event and was a great space with excellent sound quality.
- Went to the CBMR Community Kick-off Party.

Jim Schmidt

- Schmidt and MacDonald went to the GCEA presentation at the Museum. It was an interesting and well attended presentation with approximately 50 attendees. There were questions about the relationship with Tri State and their past with favoring coal. GCEA reported that they had turned the corner with Tri State. Tri State was under new leadership with a new president and board members who looked at things differently. They had lost some coops and did not want to see United Power drop out. It was a very positive presentation. The Climate Action Plan was also discussed.
- Attended the School focus group. They had a discussion on branding.
- Attended the Housing meeting.
- Reiterated that the CFTA party was very nice, and the sound system was excellent.
- Went to the Crested Butte Mountain Resort Kick-off event with Mitchell, Dujardin, and MacDonald.
- Thanked Jessie and Shea Earley for the Town lunch before Thanksgiving. It was very nice.
- Spoke about the Town holiday party scheduled for this Thursday night, December 5<sup>th</sup>. It would be held at Bonez beginning at 6:00 p.m.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

The Council revisited the previous discussion on Community Compass. They agreed to place this issue on the January 6, 2020 Town Council meeting agenda.

Magner had questions about the Council meeting schedule for December 16, 2019. They were meeting at 5:00 p.m. for CIRSA. She requested a reduction of the working list of agenda items.

#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, December 9, 2019 - 6:00PM Special Meeting
- Monday, December 16, 2019 - 5:00PM Work Session - 7:00PM Regular Council
- Monday, January 6, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, January 21, 2020 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:15 PM.

  
James A. Schmidt, Mayor

  
Betty Warren, Deputy Town Clerk (SEAL)

